

**Executive Summary – Enforcement Matter – Case No. 56164**  
**TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION**  
**RN101398733 and RN101399228**  
**Docket No. 2018-0699-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Tri County Point Water System 3 ("System 3"), located at the intersection of Clam Drive and Rockfish Drive near Palacios, Jackson County

Tri County Point Water System 4 ("System 4"), located at the intersection of Cod Lane and Seahorse Drive near Palacios, Jackson County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 24, 2018

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,499

**Total Paid to General Revenue:** \$1,499

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$524

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 16, 2018 through April 27, 2018

**Date(s) of NOE(s):** April 27, 2018

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**TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION**  
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**Docket No. 2018-0699-PWS-E**

***Violation Information***

1. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
2. Failed to timely submit a copy of the results of synthetic organic chemical ("SOC") contaminants (515 and Group 5) sampling to the Executive Director ("ED") within the first ten days following the end of the required monitoring period, and failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to report the sampling results [30 TEX. ADMIN. CODE §§ 290.107(e) and 290.122(c)(2)(A) and (f)].
3. Failed to timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) sampling to the ED within the first ten days following the end of the required monitoring period [30 TEX. ADMIN. CODE § 290.107(e)].
4. Failed to timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) and volatile organic chemical ("VOC") contaminants sampling to the ED within the first ten days following the end of the required monitoring period [30 TEX. ADMIN. CODE § 290.107(e)].
5. Failed to timely submit a copy of the results of cyanide, SOC contaminants (504, 531, and Group 5), minerals, metals, nitrate, radionuclides, VOC contaminants, and Stage 2 Disinfection Byproducts ("DBP2") sampling to the ED within the first ten days following the end of the required monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), 290.108(e), and 290.115(e)(1)].
6. Failed to timely submit a copy of the results of cyanide, nitrate, VOC contaminants, and DBP2 sampling to the ED within the first ten days following the end of the required monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.115(e)(1)].
7. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and submit the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1)].
8. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].

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9. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of System 4 and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].

10. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On May 4, 2018, the Respondent submitted a copy of all delinquent drinking water chemical sample results for the Facilities to the ED.

**Technical Requirements:**

The Order will require the Respondent to (at both Facilities):

a. Within 30 days:

i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the ED; and

ii. Mail one copy of the CCR prepared using adequate compliance data for 2016 or the most recent calendar year to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with a.; and

ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and certification that the CCR has been distributed to customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.

c. Within 60 days, submit written certification to demonstrate compliance with b.ii.

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At System 3:

a. Within 30 days, provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to monitor and report the results of SOC contaminants sampling for the first quarter of 2017; and

b. Within 45 days, submit written certification to demonstrate compliance with a.

At System 4:

a. Within 30 days:

i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper samples are collected, analyzed, and the results reported to the ED within ten days following the end of each monitoring period;

ii. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the ED within ten days of the month following the end of the monitoring period;

iii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2012 through December 31, 2014 monitoring period, and submit to the ED a sample copy of the consumer notification and certification that consumer notification was distributed; and

iv. Provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to submit a DLQOR from the third quarter of 2015 through the second quarter of 2016.

b. Within 45 days, submit written certification to demonstrate compliance with a.i., a.iii., and a.iv.

c. Within 410 days, submit written certification to demonstrate compliance with a.ii.

**Executive Summary – Enforcement Matter – Case No. 56164**  
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**Docket No. 2018-0699-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Michaelle Garza, Enforcement Division, Enforcement Team 8, MC R-13, (210) 403-4076; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondents:** Stanley Kazwell, President, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION, 14 County Road 480, Palacios, Texas 77465

James H. Parker, Vice President, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION, 14 County Road 480, Palacios, Texas 77465

**Respondents' Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

ICEQ

<b>DATES</b>	<b>Assigned</b>	30-Apr-2018	<b>PCW</b>	22-May-2018	<b>Screening</b>	22-May-2018	<b>EPA Due</b>	30-Jun-2018
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)
<b>Reg. Ent. Ref. No.</b>	RN101398733
<b>Facility/Site Region</b>	14-Corpus Christi

Major/Minor Source Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	56164	<b>No. of Violations</b>	5
<b>Docket No.</b>	2018-0699-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Michaelle Garza
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>EC's Team</b>	Enforcement Team 8

Admin. Penalty \$ Limit Maximum \$1,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$170

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 85.0% Adjustment Subtotals 2, 3, &amp; 7 \$144

Notes Enhancement for four NOVs with the same/similiar violations and two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

### Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$0

### Economic Benefit

Total EB Amounts	\$112
Estimated Cost of Compliance	\$3,206

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6 \$0

### SUM OF SUBTOTALS 1-7

Final Subtotal \$314

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%

Adjustment \$0

Notes

Final Penalty Amount \$314

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$692

### DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage.

0.0%

Reduction Adjustment \$0

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

\$692

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

Case ID No. 56164

Reg. Ent. Reference No. RN101398733

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

PCW

Version 1.05.00011 April 2014

PCW Revision March 26, 2014

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 

#### >> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 

#### >> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 

#### >> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations and two agreed orders containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

Policy Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101398733

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of System 3 and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2016.

Base Penalty 

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0.0%"/>
	Release	Major	Moderate	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent <input type="text" value="5.0%"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Matrix Notes

100% of the rule requirements were not met.

Adjustment 

## Violation Events

Number of Violation Events Number of violation days 

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty 

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction 

Before NOE/NOV NOE/NOV to EDRP/ Settlement Offer

Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal 

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

**Case ID No.** 55164

**Reg. Ent. Reference No.** RN101398733

**Media** Public Water Supply

**Violation No.** 1

	Percent Interest	Years of Depreciation
	5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				\$100	1.50	\$7	n/a

Notes for **DELAYED** costs

The delayed costs include the estimated amount to prepare and mail or directly deliver the 2016 CCR to the customers of the Facility and to the TCEQ [((0.50 x 99 connections) + \$50) x one year], calculated from the due date of the 2016 CCR to the estimated date of compliance.

**Avoided Costs**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for **AVOIDED** costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$7

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

Docket Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101398733

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.107(e) and 290.122(c)(2)(A) and (f)

Violation Description

Failed to timely submit a copy of the results of synthetic organic chemical ("SOC") contaminants (515 and Group 5) sampling for the monitoring period ending March 31, 2017 to the Executive Director within the first ten days following the end of the required monitoring period, and failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the sampling results.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Release Actual Potential	Harm			Percent 0.0%
		Major	Moderate	Minor	

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent	
				1.0%	

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 1

407 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$19

This violation Final Assessed Penalty (adjusted for limits) \$50

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

**Case ID No.** 56164

**Req. Ent. Reference No.** RN101398733

**Media** Public Water Supply

**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	16-Apr-2018	1-Jan-2019	0.71	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$519	10-Apr-2017	4-May-2018	1.07	\$28	n/a	\$28
Other (as needed)	\$25	10-Apr-2018	1-Jan-2019	0.73	\$1	n/a	\$1

The training/sampling delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Notes for DELAYED costs

The first other (as needed) delayed costs include the estimated amount to submit a copy of the results of SOC contaminants [515 (\$313.25), Group 5 (\$205.41)] sampling to the Executive Director, calculated from the date the report was due to the date the report was received.

The second other (as needed) delayed costs include the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.

### Avoided Costs

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Approx. Cost of Compliance

\$644

**TOTAL**

\$33

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

Policy Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101398733

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.107(e)

Violation Description

Failed to timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) sampling for the monitoring period ending June 30, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Release Actual Potential	Harm			Percent 0.0%
		Major	Moderate	Minor	

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent	
				1.0%	

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 1

316 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/ Settlement Offer

Extraordinary	Before NOE/NOV	NOE/NOV to EDPRP/ Settlement Offer
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$19

This violation Final Assessed Penalty (adjusted for limits) \$50

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

**Case ID No.** 56164

**Reg. Ent. Reference No.** RN101398733

**Media** Public Water Supply

**Violation No.** 3

	Percent Interest	Years of Depreciation
	5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	<b>\$651</b>	10-Apr-2017	4-May-2018	1.07	\$35	n/a	\$35

The training/sampling delayed costs to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories are included in the economic benefit worksheet associated with Violation No. 2.

Notes for **DELAYED** costs

The other (as needed) delayed costs include the estimated amount to submit a copy of the results of SOC contaminants [504 (\$75.67), 515 (\$313.25), 531 (\$57.01), and Group 5 (\$205.41)] sampling to the Executive Director, calculated from the date the report was due to the date the report was received.

**Avoided Costs**

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

			0.00	\$0	\$0	\$0
Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance			0.00	\$0	\$0	\$0
ONE-TIME avoided costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for **AVOIDED** costs

Approx. Cost of Compliance

**\$651**

**TOTAL**

**\$35**

**Screening Date** 22-May-2018**Docket No.** 2018-0699-PWS-E**PCW****Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

Policy Revision 7 (April 2014)

**Case ID No.** 56164

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101398733**Media [Statute]** Public Water Supply**Enf. Coordinator** Michaelle Garza**Violation Number**

4

**Rule Cite(s)**

30 Tex. Admin. Code § 290.107(e)

**Violation Description**

Failed to timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) and volatile organic chemical ("VOC") contaminants sampling for the monitoring period ending September 30, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.

**Base Penalty**

\$1,000

**>> Environmental, Property and Human Health Matrix****OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

**Matrix Notes**

Less than 30% of the rule requirements were not met.

**Adjustment**

\$990

\$10

**Violation Events****Number of Violation Events**

2

**Number of violation days**

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty**

\$20

Two single events are recommended (one for each report).

**Good Faith Efforts to Comply**

0.0%

Before NOE/NOV NOE/NOV to EDPRP/ Settlement Offer

**Reduction**

\$0

Extraordinary

Ordinary

N/A

**Notes**  
The Respondent does not meet the good faith criteria for this violation.**Violation Subtotal**

\$20

**Economic Benefit (EB) for this violation****Estimated EB Amount**

\$20

**Statutory Limit Test**

\$37

**This violation Final Assessed Penalty (adjusted for limits)**

\$100

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

**Case ID No.** 56164

**Reg. Ent. Reference No.** RN101398733

**Media** Public Water Supply

**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Costs Saved</b>	<b>EB Amount</b>
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### **Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				\$706	10-Oct-2017	4-May-2018	0.56
							\$20

The training/sampling delayed costs to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories are included in the economic benefit worksheet associated with Violation No. 2.

### Notes for **DELAYED** costs

The other (as needed) delayed costs include the estimated amount to submit a copy of the results of SOC contaminants [504 (\$75.67), 515 (\$313.25), 531 (\$57.01), and Group 5 (\$205.41)] and VOC contaminant (\$55.12) sampling to the Executive Director, calculated from the date the reports were due to the date the reports were received.

### **Avoided Costs**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for **AVOIDED** costs

Approx. Cost of Compliance

\$706

**TOTAL**

\$20

Screening Date 22-May-2018

Docket No. 2018-0699-FWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

Policy Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101398733

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e), 290.107(e), 290.108(e), and 290.115(e)(1)

Violation Description

Failed to timely submit a copy of the results of cyanide, SOC contaminants (504, 531, and Group 5), minerals, metals, nitrate, radionuclides, VOC contaminants, and Stage 2 Disinfection Byproducts ("DBP2") sampling for monitoring periods ending December 31, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Release Actual Potential	Harm			Percent 0.0%
		Major	Moderate	Minor	

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 8

Number of violation days 132

daily	
weekly	
monthly	
quarterly	
semannual	
annual	
single event	x

Violation Base Penalty \$80

Eight single events are recommended (one for each report).

## Good Faith Efforts to Comply

0.0%

Before NOE/NOV NOE/NOV to EDPRP/ Settlement Offer

Reduction \$0

Extraordinary	
Ordinary	
N/A	x

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$80

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$148

This violation Final Assessed Penalty (adjusted for limits) \$400

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 3)

**Case ID No.** 56164

**Reg. Ent. Reference No.** RN101398733

**Media** Public Water Supply

**Violation No.** 5

	Percent Interest	Years of Depreciation
	5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				<b>\$1,105</b>	<b>10-Jan-2018</b>	<b>4-May-2018</b>	<b>0.31</b>
							<b>\$17</b>

The training/sampling delayed costs to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories are included in the economic benefit worksheet associated with Violation No. 2.

### Notes for DELAYED costs

The other (as needed) delayed costs include the estimated amount to submit a copy of the results of cyanide (\$53.75), SOC contaminants [504 (\$75.67), 531 (\$57.01), Group 5 (\$205.41)], minerals (\$106.39), metals (\$160.16), nitrate (\$8.49), radionuclides (\$279.35), VOC contaminants (\$55.12), and DBP2 (\$103.85) sampling to the Executive Director, calculated from the date the reports were due to the date the reports were received.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

**\$1,105**

**TOTAL**

**\$17**



## Penalty Calculation Worksheet (PCW)

TCEQ

**DATES** Assigned  PCW  Screening  EPA Due

**RESPONDENT/FACILITY INFORMATION**

Respondent   
 Reg. Ent. Ref. No.   
 Facility/Site Region  Major/Minor Source

**CASE INFORMATION**

Enf./Case ID No.	<input type="text" value="56164"/>	No. of Violations	<input type="text" value="5"/>
Docket No.	<input type="text" value="2018-0699-PWS-E"/>	Order Type	<input type="text" value="Findings"/>
Media Program(s)	<input type="text" value="Public Water Supply"/>	Government/Non-Profit	<input type="text" value="Yes"/>
Multi-Media	<input type="text" value=""/>	Enf. Coordinator	<input type="text" value="Michaelle Garza"/>
Admin. Penalty \$ Limit Minimum <input type="text" value="\$50"/> Maximum <input type="text" value="\$1,000"/>		EC's Team	<input type="text" value="Enforcement Team 8"/>

**Penalty Calculation Section****TOTAL BASE PENALTY (Sum of violation base penalties)****Subtotal 1** **ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	<input type="text" value="35.0%"/>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b> <input type="text" value="\$171"/>
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Notes

Culpability	<input type="text" value="No"/>	<input type="text" value="0.0%"/>	Enhancement	<b>Subtotal 4</b> <input type="text" value="\$0"/>
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Notes

**Good Faith Effort to Comply Total Adjustments****Subtotal 5** **Economic Benefit**

Total EB Amounts	<input type="text" value="\$216"/>	0.0% Enhancement*	<b>Subtotal 6</b> <input type="text" value="\$0"/>
Estimated Cost of Compliance	<input type="text" value="\$794"/>	*Capped at the Total EB \$ Amount	

**SUM OF SUBTOTALS 1-7****Final Subtotal** **OTHER FACTORS AS JUSTICE MAY REQUIRE**

Reduces or enhances the Final Subtotal by the indicated percentage.

**0.0%**  **Adjustment** Notes **Final Penalty Amount** **STATUTORY LIMIT ADJUSTMENT****Final Assessed Penalty** **DEFERRAL**

Reduces the Final Assessed Penalty by the indicated percentage.

**0.0%**  **Reduction** **Adjustment** Notes **PAYABLE PENALTY**

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

Case ID No. 56164

Reg. Ent. Reference No. RN101399228

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

PCW

PEW Revision 1 (April 2011)

PEW Revision March 26, 2014

**Compliance History Worksheet**

&gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs" with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria))	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 

&gt;&gt; Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 

&gt;&gt; Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 

&gt;&gt; Compliance History Summary

Compliance History Notes

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 

&gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW (

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

PCW Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101399228

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e), 290.107(e), and 290.115(e)(1)

Violation Description

Failed to timely submit a copy of the results of cyanide, nitrate, volatile organic chemical ("VOC") contaminants, and Stage 2 Disinfection Byproducts ("DBP2") sampling for monitoring periods ending December 31, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.

Base Penalty

\$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 4

Number of violation days 132

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$40

Four single events are recommended (one for each report).

## Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	Before NOE/NOV	
	NOE/NOV to EDPRP/Settlement Offer	
	Ordinary	N/A
	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$40

## Economic Benefit (EB) for this violation

Estimated EB Amount \$7

## Statutory Limit Test

Violation Final Penalty Total \$54

This violation Final Assessed Penalty (adjusted for limits) \$200

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

**Case ID No.** 56164

**Req. Ent. Reference No.** RN101399228

Media Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/Construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System			0.00	\$0	n/a	\$0	
Training/Sampling	\$100	16-Apr-2018	1-Jan-2019	0.71	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$221	10-Jan-2018	4-May-2018	0.31	\$3	n/a	\$3

The training/sampling delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

### Notes for DELAYED costs

The other (as needed) delayed costs include the estimated amount to submit a copy of the results of cyanide (\$53.75), nitrate (\$8.49), VOC contaminants (\$55.12), and DBP2 (\$103.85) sampling to the Executive Director, calculated from the date of the date the reports were due to the date the reports were received.

### Avoided Costs

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance			0.00	\$0	\$0	\$0
ONE-TIME avoided costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Approx. Cost of Compliance

\$321

TOTAL

\$7

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

Policy Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101399228

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2)(C), (h), and (l)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and submit the results to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
	Potential	X			15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 1

Number of violation days 1095

daily	
weekly	
monthly	
quarterly	
semianual	
annual	
single event	X

Violation Base Penalty \$150

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/ Settlement Offer

Extraordinary	
Ordinary	
N/A	X

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$178

Violation Final Penalty Total \$203

This violation Final Assessed Penalty (adjusted for limits) \$203

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

**Case ID No.** 56164

**Reg. Ent. Reference No.** RN101399228

**Media** Public Water Supply

**Violation No.** 2

	Percent Interest	Years of Depreciation
	5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	16-Apr-2018	1-Jan-2019	0.71	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for **DELAYED** costs

The delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper samples are collected, analyzed, and the results reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

**Avoided Costs**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$150	1-Jan-2015	31-Dec-2017	3.00	\$24	\$150	\$174
Other (as needed)				0.00	\$0	\$0	\$0

Notes for **AVOIDED** costs

The avoided costs include the estimated amount to collect and have all lead and copper samples analyzed (\$30 per sample x five samples x one monitoring period), calculated for the monitoring period in which sampling was required.

Approx. Cost of Compliance

\$250

**TOTAL**

\$178

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101399228

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed for the January 1, 2012 through December 31, 2014 monitoring period.

Base Penalty

\$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release Actual	Harm		
	Major	Moderate	Minor

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification Notes	Major		
	Moderate	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

Number of violation days 1238

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$50

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/ Settlement Offer

Extraordinary	0.0%
Ordinary	
N/A	X

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$68

This violation Final Assessed Penalty (adjusted for limits) \$68

## Economic Benefit Worksheet

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)  
 Case ID No. 56164

Reg. Ent. Reference No. RN101399228  
 Media Public Water Supply  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				\$53	31-Dec-2014	1-Jan-2019	4.01
							\$11

### Notes for DELAYED costs

The delayed costs include the estimated amount to prepare and mail the consumer notification for the January 1, 2012 through December 31, 2014 monitoring period to persons served at the locations which were sampled and to the TCEQ (( $\$0.50 \times$  five sampled locations  $+ \$50 \times$  one monitoring period), calculated from the date the consumer notification was due to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$53

TOTAL

\$11

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

Policy Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101399228

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of System 4 and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2016.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR	Release Actual Potential	Harm			Percent 0.0%
		Major	Moderate	Minor	

## &gt;&gt; Programmatic Matrix

	Falsification	Major			Percent 5.0%
		Moderate	Minor		
		x			

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

Number of violation days 325

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/ Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$68

This violation Final Assessed Penalty (adjusted for limits) \$68

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

**Case ID No.** 56164

**Reg. Ent. Reference No.** RN101399228

**Media** Public Water Supply

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			\$70	1-Jul-2017	1-Jan-2019	1.50
						\$5

Notes for **DELAYED** costs

The delayed costs include the estimated amount to prepare and mail or directly deliver the 2016 CCR to the customers of the Facility and to the TCEQ [((0.50 x 40 connections) + \$50) x one year], calculated from the due date of the 2016 CCR to the estimated date of compliance.

**Avoided Costs**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance			0.00	\$0	\$0	\$0
ONE-TIME avoided costs			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for **AVOIDED** costs

Approx. Cost of Compliance

\$70

TOTAL

\$5

Screening Date 22-May-2018

Docket No. 2018-0699-PWS-E

PCW

Respondent TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

Policy Revision 4 (April 2014)

Case ID No. 56164

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101399228

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a Disinfectant Level Quarterly Operating Report from the third quarter of 2015 through the second quarter of 2016.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 4

Number of violation days 863

daily	
weekly	
monthly	
quarterly	
semannual	
annual	
single event	X

Violation Base Penalty \$200

Four single events are recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	X

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$270

This violation Final Assessed Penalty (adjusted for limits) \$270

## Economic Benefit Worksheet

**Respondent** TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (System 4)

**Case ID No.** 56164

**Reg. Ent. Reference No.** RN101399228

**Media** Public Water Supply

**Violation No.** 5

	Percent Interest	Years of Depreciation
	5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Jan-2016	1-Jan-2019	2.98	\$15	n/a	\$15

Notes for **DELAYED** costs

The delayed costs include the estimated amount to ensure that the delinquent public notifications (\$25 per notification x four notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the earliest public notification to the estimated date of compliance.

### Avoided Costs

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for **AVOIDED** costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Approx. Cost of Compliance

\$100

TOTAL

\$15

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600622823, RN101398733, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600622823, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 12.50
<b>Regulated Entity:</b>	RN101398733, TRI COUNTY POINT WATER SYSTEM 3	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	INTERSECTION OF CLAM DRIVE AND ROCKEISH DRIVE NEAR PALACIOS, JACKSON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1200028		

**Compliance History Period:** September 01, 2012 to August 31, 2017    **Rating Year:** 2017    **Rating Date:** 09/01/2017

**Date Compliance History Report Prepared:** May 22, 2018

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 22, 2013 to May 22, 2018

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Michaelle Garza

**Phone:** (210) 403-4076

## Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?      YES  
2) Has there been a (known) change in ownership/operator of the site during the compliance period?      NO

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

1    Effective Date: 09/22/2014    ADMINORDER 2014-0269-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(5)

30 TAC Chapter 290, SubChapter F 290.117(k)

Description: LCR PE - The system failed to deliver the public education materials in accordance with TCEQ rules exceeding the lead action level during 1st 6M2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(5)

30 TAC Chapter 290, SubChapter F 290.117(k)

Description: LCR PE - The system failed to deliver the public education materials in accordance with TCEQ rules exceeding the lead action level during ORIGINAL 6M2 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 2nd 6M2012 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 07/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 1st 6M2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2013 to 06/30/2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR IN MR 2nd 6M2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 07/01/2013 to 12/31/2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(5)

30 TAC Chapter 290, SubChapter F 290.117(k)

Description: LCR PE - The system failed to deliver the public education materials in accordance with TCEQ rules exceeding the lead action level during ORIGINAL MP: 6M2 2011.

2 Effective Date: 05/07/2015 ADMINORDER 2014-1590-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failed to properly cover the hypochlorination solution container to prevent the entrance of contaminants. Specifically, there was a hole in the top of the hypochlorination solution container.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, records of the verification of the disinfectant residual analyzer and Inspections for the pressure tanks were not being maintained.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failed to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the chlorine solutions being used to verify the accuracy of the meter were expired.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the disinfectant residual was being measured at the same location several times before rotating to the next sample site.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, with 99 connections the Facility must provide at least two service pumps with a capacity of 198 gpm. At the time of the investigation, no service pumps were provided, which is a 100% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total storage capacity of 200 gallons per connection. Specifically, with 99 connections the Facility must provide a total storage capacity of 19,800 gallons. At the time of the investigation, no storage was provided which is a 100% deficiency.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all distribution system lines, storage and pressure maintenance facilities, water treatment units, and all related appurtenances in a watertight condition. Specifically, there was a small leak coming from the access hatch on the pressure tank at the section 3 well site.

3 Effective Date: 01/31/2018 ADMINORDER 2016-1386-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)  
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)  
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2015 to 06/30/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 3Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 3rd quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR IN MR PN 2nd 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 07/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR IN MR PN 1st 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 01/01/2014 to 06/30/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 4Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 4th quarter of 2015.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 07/05/2017 (1482479)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.107(c)(1)  
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC 515, Group SOC5 MR 1Q2017 - The system failed to monitor and/or report synthetic organic contaminants (method 515,Group SOC5) levels to the TCEQ for the quarterly monitoring period from 01/01/2017 to 03/31/2017 within the required timeline.

2	Date: 10/25/2017 (1482479)	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description: SOC 515, Group SOCS MR PN 1Q2017 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (group SOCS, method 515) monitoring and reporting violation for the quarterly monitoring period from 01/01/2017 to 03/31/2017.		
3	Date: 11/27/2017 (1482479)	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)		
	Description: CCR 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.		
4	Date: 04/04/2018 (1482479)	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description: CY MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)		
	Description: SOC 504, 531, Group SOCS MR 4Q2017 - The system failed to monitor and/or report synthetic organic contaminants (method Group SOCS, 504, 531) levels to the TCEQ for the quarterly monitoring period from 10/01/2017 to 12/31/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)		
	Description: SOC MR 3Q2017 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2017 to 09/30/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)		
	Description: SOC MR 2Q2017 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 04/01/2017 to 06/30/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description: MTL/MIN MR YR2017 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description: NO3 MR YR2017 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.108(e) 30 TAC Chapter 290, SubChapter F 290.108(f)(3)		
Description:	30 TAC Chapter 290, SubChapter F 290.108(f)(4) RAD MR YR2017 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2) 30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	VOC MR 4Q2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 10/01/2017 to 12/31/2017 within the required timeline.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2) 30 TAC Chapter 290, SubChapter F 290.107(e)		
Description:	VOC MR 3Q2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2017 to 09/30/2017 within the required timeline.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.115(e) 30 TAC Chapter 290, SubChapter F 290.115(f)(2) 30 TAC Chapter 290, SubChapter F 290.115(f)(4)		
Description:	DBP2 MR YR2017 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017.		

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## Component Appendices

### **Appendix A**

#### **All NOVs Issued During Component Period 5/22/2013 and 5/22/2018**

1	Date: 11/14/2013 (1150116)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)	
	Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.	
2	Date: 03/04/2015 (1351536)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: LCR IN MR PN 1st 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 01/01/2014 to 06/30/2014.	
3	Date: 05/26/2015 (1351536)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: LCR IN MR PN 2nd 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 07/01/2014 to 12/31/2014.	
4	Date: 10/14/2015 (1351536)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6) 30 TAC Chapter 290, SubChapter F 290.117(j)	
	Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2015 to 06/30/2015.	
5	Date: 01/20/2016 (1351536)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline.	
6	Date: 04/11/2016 (1351536)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description: DLQOR MR 4Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2015 within the required timeline.	

timeline.

7	Date: 04/29/2016 (1351536)	Classification: Moderate
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter F 290.117(i)(6) 30 TAC Chapter 290, SubChapter F 290.117(j)	
	<b>Description:</b> LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2015 to 12/31/2015.	
8	Date: 05/20/2016 (1351536)	Classification: Moderate
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	<b>Description:</b> DLQOR MR PN 3Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 3rd quarter of 2015.	
9	Date: 07/14/2016 (1351536)	Classification: Moderate
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	<b>Description:</b> DLQOR MR 1Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2016 within the required timeline.	
10	Date: 08/16/2016 (1362510)	Classification: Moderate
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	<b>Description:</b> DLQOR MR PN 4Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 4th quarter of 2015.	
11*	Date: 10/20/2016 (1376810)	Classification: Moderate
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter F 290.110(b)(4)	
	<b>Description:</b> Failed to maintain a disinfectant residual concentration in the water within the distribution system of at least 0.2 mg/L free chlorine.	
12*	Date: 12/16/2016 (1376810)	Classification: Minor
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter D 290.46(l)	
	<b>Description:</b> Failed to flush dead-end lines and other mains as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels.	
		Classification: Minor
	<b>Self Report?</b> NO	
	<b>Citation:</b> 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) 30 TAC Chapter 290, SubChapter D 290.46(j)	
	<b>Description:</b> Failed to conduct customer service inspection prior to providing continuous water	

	service to new construction.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)	
Description:	Failed to maintain a record of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)	
Description:	Failed to record the dates that dead-end mains were flushed.	
13*	Date: 05/11/2017 (1400650)	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) 30 TAC Chapter 290, SubChapter D 290.46(j)	
Description:	Failed to conduct customer service inspection prior to providing continuous water service to new construction.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)	
Description:	Failed to record the dates that dead-end mains were flushed.	
14*	Date: 07/05/2017 (1482479)	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)	
Description:	SOC 515, Group SOC5 MR 1Q2017 - The system failed to monitor and/or report synthetic organic contaminants (method 515, Group SOC5) levels to the TCEQ for the quarterly monitoring period from 01/01/2017 to 03/31/2017 within the required timeline.	
15	Date: 10/25/2017 (1482479)	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
Description:	SOC 515, Group SOC5 MR PN 1Q2017 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (group SOC5, method 515) monitoring and reporting violation for the quarterly monitoring period from 01/01/2017 to 03/31/2017.	
16	Date: 11/27/2017 (1482479)	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)	
Description:	CCR 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.	
17	Date: 04/04/2018 (1482479)	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9)	

Description:	30 TAC Chapter 290, SubChapter F 290.106(e) CY MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)	
Description:	SOC 504, 531, Group SOC5 MR 4Q2017 - The system failed to monitor and/or report synthetic organic contaminants (method Group SOC5, 504, 531) levels to the TCEQ for the quarterly monitoring period from 10/01/2017 to 12/31/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)	
Description:	SOC MR 3Q2017 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 07/01/2017 to 09/30/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(1) 30 TAC Chapter 290, SubChapter F 290.107(e)	
Description:	SOC MR 2Q2017 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the quarterly monitoring period from 04/01/2017 to 06/30/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)	
Description:	MTL/MIN MR YR2017 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)	
Description:	NO3 MR YR2017 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.108(e) 30 TAC Chapter 290, SubChapter F 290.108(f)(3) 30 TAC Chapter 290, SubChapter F 290.108(f)(4)	
Description:	RAD MR YR2017 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.	Classification: Moderate
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2) 30 TAC Chapter 290, SubChapter F 290.107(e)	
Description:	VOC MR 4Q2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the quarterly monitoring period from 10/01/2017 to 12/31/2017 within the required timeline.	Classification: Moderate

Self Report? NO  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
               30 TAC Chapter 290, SubChapter F 290.107(c)(2)  
               30 TAC Chapter 290, SubChapter F 290.107(e)  
 Description: VOC MR 3Q2017 - The system failed to monitor and/or report volatile organic  
                   contaminants levels to the TCEQ for the quarterly monitoring period from  
                   07/01/2017 to 09/30/2017 within the required timeline.  
                   Classification: Moderate  
  
 Self Report? NO  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
               30 TAC Chapter 290, SubChapter F 290.115(e)  
               30 TAC Chapter 290, SubChapter F 290.115(f)(2)  
               30 TAC Chapter 290, SubChapter F 290.115(f)(4)  
 Description: DBP2 MR YR2017 - This system failed to monitor and/or report disinfectant  
                   byproduct levels in its distribution system to the TCEQ for the annual monitoring  
                   period from 01/01/2017 to 12/31/2017.

\* NOVs applicable for the Compliance History rating period 9/1/2012 to 8/31/2017

**Appendix B**  
**All Investigations Conducted During Component Period May 22, 2013 and May 22, 2018**

(1150116)

Item 1      February 12, 2014\*\*

(1150307)

Item 2      February 14, 2014\*\*

(1307089)

Item 3      May 24, 2016\*\*

(1351536)

Item 4      August 08, 2016\*\*

(1355358)

Item 5      August 12, 2016\*\*

(1362510)

Item 6      September 13, 2016\*\*

(1400650)

Item 7      May 11, 2017\*\*

(1482479)

Item 8      April 25, 2018

(1482663)

Item 9      April 27, 2018

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2012 and 08/31/2017.



# Compliance History Report

Compliance History Report for CN600622823, RN101399228, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600622823, TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 12.50
<b>Regulated Entity:</b>	RN101399228, TRI COUNTY POINT WATER SYSTEM 4	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	INTERSECTION OF COD LANE AND SEAHORSE DRIVE NEAR PALACIOS, JACKSON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 14 - CORPUS CHRISTI		
<b>ID Number(s):</b>			
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b> 1200029			
<b>Compliance History Period:</b>	September 01, 2012 to August 31, 2017	<b>Rating Year:</b>	2017
<b>Date Compliance History Report Prepared:</b>	May 22, 2018	<b>Rating Date:</b>	09/01/2017
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	May 22, 2013 to May 22, 2018		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b> Michaelle Garza		<b>Phone:</b>	(210) 403-4076

## Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? **YES**  
2) Has there been a (known) change in ownership/operator of the site during the compliance period? **NO**

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

1 Effective Date: 05/07/2015 ADMINORDER 2014-1590-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)  
Description: Failed to properly cover the hypochlorination solution container to prevent the entrance of contaminants. Specifically, there was a hole in the top of the hypochlorination solution container.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
Description: Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, records of the verification of the disinfectant residual analyzer and inspections for the pressure tank were not being maintained.  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
Description: Failed to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the chlorine solutions being used to verify the accuracy of the meter were expired.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)  
Description: Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the disinfectant residual was being measured at the same location several times before rotating to the next sample site.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Description: Failed to provide a total storage capacity of 200 gallons per connection. Specifically, with 60 connections the Facility must provide a total storage capacity of 12,000 gallons. At the time of the investigation, no storage was provided which is a 100% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, with 60 connections the Facility must provide at least two service pumps with a capacity of 120 gpm. At the time of the investigation, no service pumps were provided, which is a 100% deficiency.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 10/24/2017 (1482392)	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)		
	Description: LCR RD MR 3Y2017 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.		
2	Date: 11/27/2017 (1482392)	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)		
	Description: CCR 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.		
3	Date: 04/04/2018 (1482392)	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description: CY MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(6) 30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)		
	Description: NO3 MR YR2017 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.107(c)(2) 30 TAC Chapter 290, SubChapter F 290.107(e)		
	Description: VOC MR YR2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.		
	Self Report? NO	Classification: Moderate	

**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(f)(4)  
30 TAC Chapter 290, SubChapter F 290.115(e)  
30 TAC Chapter 290, SubChapter F 290.115(f)(2)  
30 TAC Chapter 290, SubChapter F 290.115(f)(4)

**Description:** DBP2 MR YR2017 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSS):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## Component Appendices

### **Appendix A**

#### **All NOVs Issued During Component Period 5/22/2013 and 5/22/2018**

1	Date: 02/23/2015 (1482392)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6) 30 TAC Chapter 290, SubChapter F 290.117(j)	
	Description: LCR LCN 06/01/2014 to 09/30/2014- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the reduced monitoring period from 01/01/2014 to 12/31/2014.	
2	Date: 05/20/2016 (1482392)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: DLQOR MR PN 3Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2015.	
3	Date: 08/16/2016 (1482392)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: DLQOR MR PN 4Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the fourth quarter of 2015.	
4*	Date: 11/21/2016 (1482392)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: DLQOR MR PN 1Q2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2016.	
5*	Date: 02/23/2017 (1482392)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description: DLQOR MR PN 2Q2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2016.	
6*	Date: 05/11/2017 (1402250)	Classification: Moderate
	Self Report? NO	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)	
	Description: Failed to record the amount of chemicals used to treat the water each week.	

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failed to maintain a record of the dates that dead-end mains were flushed.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

7

Date: 10/24/2017 (1482392)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)

30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2017 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.

8

Date: 11/27/2017 (1482392)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

9

Date: 04/04/2018 (1482392)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(c)(9)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: CY MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(c)(9)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2017 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

30 TAC Chapter 290, SubChapter F 290.107(c)(2)

30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2017 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

30 TAC Chapter 290, SubChapter F 290.115(e)

Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(2)  
30 TAC Chapter 290, SubChapter F 290.115(f)(4)  
DBP2 MR YR2017 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017.

\* NOVs applicable for the Compliance History rating period 9/1/2012 to 8/31/2017

## **Appendix B**

### **All Investigations Conducted During Component Period May 22, 2013 and May 22, 2018**

(1192335)

Item 1      October 16, 2014\*\*

(1402250)

Item 2      May 11, 2017\*\*

(1482392)

Item 3      April 25, 2018

(1482627)

Item 4      April 27, 2018

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2012 and 08/31/2017.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TRI-COUNTY POINT PROPERTY  
OWNERS ASSOCIATION  
RN101398733 AND RN101399228** § **BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2018-0699-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates public water supply facilities at the following locations (the "Facilities"):
  - a. Tri County Point Water System 3 ("System 3"), located at the intersection of Clam Drive and Rockfish Drive near Palacios, Jackson County, Texas that has approximately 99 service connections and serves at least 25 people per day for at least 60 days per year. As such, System 3 is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
  - b. Tri County Point Water System 4 ("System 4"), located at the intersection of Cod Lane and Seahorse Drive near Palacios, Jackson County, Texas that has approximately 40 service connections and serves at least 25 people per day for at least 60 days per year. As such, System 4 is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).

TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION

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2. During a record review conducted on April 16, 2018 through April 27, 2018 for System 3, an investigator documented that:
  - a. The Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and did not submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of System 3 and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2016.
  - b. The Respondent did not timely submit a copy of the results of synthetic organic chemical ("SOC") contaminants (515 and Group 5) sampling for the monitoring period ending March 31, 2017 to the Executive Director within the first ten days following the end of the required monitoring period, and did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the sampling results.
  - c. The Respondent did not timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) sampling for the monitoring period ending June 30, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.
  - d. The Respondent did not timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) and volatile organic chemical ("VOC") contaminants sampling for the monitoring period ending September 30, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.
  - e. The Respondent did not timely submit a copy of the results of cyanide, SOC contaminants (504, 531, and Group 5), minerals, metals, nitrate, radionuclides, VOC contaminants, and Stage 2 Disinfection Byproducts ("DBP2") sampling for monitoring periods ending December 31, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.
3. During a record review conducted on April 16, 2018 through April 27, 2018 for System 4, an investigator documented that:
  - a. The Respondent did not timely submit a copy of the results of cyanide, nitrate, VOC contaminants, and DBP2 sampling for monitoring periods ending December 31, 2017 to the Executive Director within the first ten days following the end of the required monitoring period.
  - b. The Respondent did not collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and submit the results to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period.

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- c. The Respondent did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and did not mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed for the January 1, 2012 through December 31, 2014 monitoring period.
- d. The Respondent did not mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and did not submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of System 4 and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2016.
- e. The Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") from the third quarter of 2015 through the second quarter of 2016.

4. The Executive Director recognizes that on May 4, 2018, the Respondent submitted a copy of all delinquent drinking water chemical sample results for the Facilities to the Executive Director.

## II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to timely submit a copy of the results of SOC contaminants (515 and Group 5) sampling to the Executive Director within the first ten days following the end of the required monitoring period, and failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the sampling results, in violation of 30 TEX. ADMIN. CODE §§ 290.107(e) and 290.122(c)(2)(A) and (f).
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) sampling to the Executive Director within the first ten days following the end of the required monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(e).

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5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to timely submit a copy of the results of SOC contaminants (504, 515, 531, and Group 5) and VOC contaminants sampling to the Executive Director within the first ten days following the end of the required monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to timely submit a copy of the results of cyanide, SOC contaminants (504, 531, and Group 5), minerals, metals, nitrate, radionuclides, VOC contaminants, and DBP2 sampling to the Executive Director within the first ten days following the end of the required monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), 290.108(e), and 290.115(e)(1).
7. As evidenced by Findings of Fact No. 3.a, the Respondent failed to timely submit a copy of the results of cyanide, nitrate, VOC contaminants, and DBP2 sampling to the Executive Director within the first ten days following the end of the required monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.115(e)(1).
8. As evidenced by Finding of Fact No. 3.b, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(e)(2)(C), (I), and (I)(1).
9. As evidenced by Finding of Fact No. 3.c, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
10. As evidenced by Finding of Fact No. 3.d, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of System 4 and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
11. As evidenced by Finding of Fact No. 3.e, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE § 290.122(e)(2)(A) and (f).
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

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13. An administrative penalty in the amount of \$1,499 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$1,499 penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 13 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION, Docket No. 2018-0699-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements at the Facilities:

- a. Within 30 days after the effective date of this Order:
  - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), 290.108(e), and 290.115(e); and
  - ii. Mail one copy of the CCR prepared using adequate compliance data for 2016 or the most recent calendar year to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.272 and 290.274.
- b. Within 45 days after the effective date of this Order:
  - i. Submit written certification as described in Ordering Provision No. 4.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.

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- ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and certification that the CCR has been distributed to customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE §§ 290.272 and 290.274. The copy of the CCR and certification shall be mailed to:

Drinking Water Special Functions Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- e. Within 60 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 4.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.
3. The Respondent shall undertake the following technical requirements at System 3:
  - a. Within 30 days after the effective date of this Order, provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to monitor and report the results of SOC contaminants sampling for the first quarter of 2017, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 4.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
4. The Respondent shall undertake the following technical requirements at System 4:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper samples are collected, analyzed, and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
    - ii. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon one compliant monitoring period;

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- iii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2012 through December 31, 2014 monitoring period, and submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
- iv. Provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR from the third quarter of 2015 through the second quarter of 2016, in accordance with 30 TEX. ADMIN. CODE § 290.122.

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 4.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 4.a.i, 4.a.iii, and 4.a.iv.
- c. Within 410 days after the effective date of this Order days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 4.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Drinking Water Special Functions Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

5. All relief not expressly granted in this Order is denied.
6. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting,

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lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

12. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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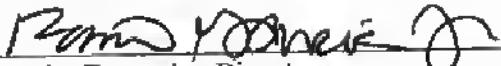
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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



2/25/19

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

7-6-2018

Date

James H. Parker

Name (Printed or typed)



Title

Authorized Representative of

TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION

If mailing address has changed, please check this box and provide the new address below:

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.